

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PABLO MENDOZA CHAVEZ,
Plaintiff,
v.
KINGS COUNTY, et al.,
Defendants.

Case No. 1:20-cv-00369-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF PRO BONO
COUNSEL, WITHOUT PREJUDICE

(ECF No. 20)

Pablo Chavez ("Plaintiff") is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On August 7, 2020, Plaintiff filed a motion for appointment of pro bono counsel. (ECF No. 20). Plaintiff asks for appointment of counsel because he needs an attorney's professional help to guide him through this case. Plaintiff believes that an attorney can help him prevail. Plaintiff states that he is willing to pay the attorney 33% when the case is over.

Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952 (9th Cir. 1998), and the Court cannot require an attorney to represent Plaintiff pursuant to 28 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the Court may request

1 the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

2 Without a reasonable method of securing and compensating counsel, the Court will seek
3 volunteer counsel only in the most serious and exceptional cases. In determining whether
4 “exceptional circumstances exist, a district court must evaluate both the likelihood of success of
5 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
6 complexity of the legal issues involved.” Id. (citation and internal quotation marks omitted).

7 The Court will not order appointment of pro bono counsel at this time. The Court has
8 reviewed the record in this case, and at this time the Court is unable to make a determination that
9 Plaintiff is likely to succeed on the merits of his claims. Moreover, it appears that Plaintiff can
10 adequately articulate his claims.

11 Plaintiff is advised that he is not precluded from renewing his motion for appointment of
12 pro bono counsel at a later stage of the proceedings.

13 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of pro
14 bono counsel is DENIED without prejudice.

15 IT IS SO ORDERED.

16
17 Dated: August 11, 2020

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE